

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

KEVIN MCCLAUGHLIN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:08 CV 58
	)	
BERNARD FREEMAN, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff Kevin McLaughlin is an inmate at the New Castle Correctional Facility in New Castle, Indiana. Plaintiff filed a *pro se* complaint under 42 U.S.C. § 1983 alleging that Lake County jail officials violated his federally protected rights while he was confined at the jail as a pretrial detainee. Defendants moved for summary judgment, but this court denied the motion, finding that the defendants failed to establish that plaintiff did not exhaust his administrative remedies and that it was unclear from the record whether or not he had done so. (DE # 64.) This court then referred this matter to Magistrate Judge Paul R. Cherry to hold an evidentiary hearing pursuant to *Pavey v. Conley*, 544 F.3d 739 (7th Cir. 2008), to resolve that factual issue. (DE # 72.)

Magistrate Judge Cherry appointed counsel to represent plaintiff for the hearing, which was held on November 1, 2010. (DE # 99.) On November 5, 2010, Magistrate Judge Cherry issued a report (DE # 100) based upon the evidence that was received, recommending that this court find that plaintiff *did* exhaust the administrative remedies available to him at the Lake County Jail before filing his complaint in this case. In his

report, Magistrate Judge Cherry informed the parties that any objections to the report and recommended finding must be made within 14 days after being served with a copy of the report. (DE # 100 ¶ 32.) That time has passed, and no objections have been filed. Therefore, the court accepts and adopts Magistrate Judge Cherry's report and recommendation. (DE # 100.)

**SO ORDERED.**

Date: March 14, 2011

s/ James T. Moody  
JUDGE JAMES T. MOODY  
UNITED STATES DISTRICT COURT